AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi

SOUTHERN DISTRICT OF MISSISSIPPI
FILED
OCT 18 2016
ARTHUR JOHNSTON
BY ______ DEPUTY

United States of America
v.
Shundrake McKeel, Justin McKeel, and Lamarvin Haynes

Defendant(s)

Case No. 1:16mj 81 -JCG

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 18, 2016 in the county of Jackson in the Southern District of MS, Southern Division, the defendant(s) violated:

Code Section	*Offense Description*
21 U.S.C. § 846	Conspiracy to Possess with Intent to Distribute a Controlled Substance, to wit, Oxycodone, Hydrocodone, Dextoamphetamine, Tapentadol, and Methadone, schedule II narcotic drug controlled substances.

This criminal complaint is based on these facts:

See affidavit attched hereto and incorporated herein

☑ Continued on the attached sheet.

[signature]
Complainant's signature

Mary Flinchum, Task Force Agent, DEA
Printed name and title

Sworn to before me and signed in my presence.

Date: 10/18/2016

[signature]
Judge's signature

City and state: Gulfport, MS

John C. Gargiulo, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, Mary Flinchum, being duly sworn state as follows:

INTRODUCTION

I, Mary Flinchum am a Task Force Officer with the Drug Enforcement Administration, Tactical Diversion Squad (TDS), Jackson District Office, and have been since October 2010. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7), Title 18 United States Code and am empowered by law to conduct investigations and to make arrest for offenses enumerated in Section 2516 of title 18, United States Code. I am employed as a Narcotics Lieutenant with the Mississippi Bureau of Narcotics (MBN), assigned to DEA. In connection with my official DEA Task Force duties, I have participated in numerous investigations involving drug trafficking violations, including possession with intent to distribute controlled substances, distribution of controlled substances and conspiracy to possess with intent to distribute controlled substances in violation of Title 21 of the United States Code. These investigations have resulted in arrest and convictions of individuals involved in the illegal trafficking of controlled substances as well as the diversion of pharmaceutical controlled drugs. I have attended a 16 week Mississippi Law Enforcement Officers Training Academy sponsored by MBN. I am a 2003 graduate of the University of Southern Mississippi's with a Bachelor of

Science degree in Psychology. During my tenure with MBN I have conducted and participated in numerous narcotic investigations, which have led to the arrest and prosecution of persons involved in the illegal trafficking of controlled substances as well as the diversion of pharmaceutical controlled drugs.

PROBABLE CAUSE FACTUAL BASIS

1. On August 21, 2016, officers of the Long Beach Police responded to a burglary at the Long Beach Pharmacy located at 5107 Beatline Rd. The pharmacist L. M. stated that someone had knocked a hole in the back wall of the pharmacy and stolen an undetermined amount of Schedule II drugs. L. M. stated that on August 21, 2016, she had arrived at the pharmacy to fill a prescription and that all of the doors were secure and the alarm was set. She stated that as she was about to leave the business she turned and looked at the cabinet where she locks up the Schedule II substances and noticed that it was open. She then walked through the back rooms and noticed a hole in the rear wall of the business.

2. The pharmacy is equipped with video surveillance. Agents and officers viewed the video surveillance and noted that a vehicle arrived in the undeveloped subdivision behind the pharmacy. A person wearing clothing from head to toe came into view of the camera carrying a sledge hammer. The individual put

on gloves and began to hit the concrete block wall of the pharmacy. After approximately 30 minutes of impacting the building with the sledge hammer the suspect walked away from the building and came back a short time later to continue hitting concrete blocks. At approximately 12:50 a.m., the suspect made entry into the building via the hole he/she made in the concrete block. The surveillance video shows the suspect low crawling through the pharmacy to the schedule II cabinet. At approximately 1:03 a.m., the suspect put down a cellular telephone on the floor beside the cabinet. The suspect then took multiple schedule II bottles out of the cabinet and put them in a bag. The suspect then began to leave and turned to get the phone and departed out of the business at approximately 1:10 a.m. Video surveillance shows the suspect running to a vehicle parked in the undeveloped subdivision behind the pharmacy. Your affiant obtained a court order for a "tower dump" from the location of the robbery during the time of the incident.

3. On September 5, 2016, the Family Drug Mart located in Pearl River, LA was robbed. The perpetrators peeled the metal off of the building and made entry through the exterior wall of the building. Once again the perpetrators were covered head to toe. During the robbery, video surveillance shows one of the perpetrators using a cellular telephone. The time of the call was 11:35 p.m. The lead detective Daniel Hunter of the Pearl River

Police Department obtained a court order for a "tower dump" from the location of the Pear River robbery during the time of the incident.

4. Your affiant compared the data from the two tower dumps and noted that cellular number (225) 454-7186 was present near the location of each robbery during the time the robberies were being committed. The tower dump data related to the Long Beach Pharmacy revealed that (225) 454-7186, which was at the location of the burglary, was in contact with (504) 357-3286 at the time of the burglary.

5. On September 27, 2016, agents learned that the County Discount Pharmacy in Wiggins, MS had been burglarized. The burglars utilized a sledge hammer to break through the brick wall. The Wiggins Police department responded to the burglary. No physical evidence was taken from the scene. No video surveillance was available from the pharmacy. The Wiggins police department contacted the Drug Enforcement Administration in reference to the burglary. Agents check the location information on (225) 454-7168 and found that it had been in the area of the pharmacy at the time of the burglary.

6. Agents submitted subpoenas for both phone numbers. (504) 357-3286 is subscribed to Justin MCKEEL of ***6 Manson Dr. Baton Rouge, LA. Agents conducted records checks on Justin MCKEEL and noted that he also had a history of residing at ***4 Bartlett

St. Baton Rouge, LA. (225) 454-7168 was registered to Tracfone Wireless with no user data. Agents applied for and were granted permission to ping the location of the device. Agents were able to determine that the cellular telephone was in the vicinity of Jean St. in Baton Rouge, LA. The ping did not yield an address but gave a location with and accuracy of approximately ½ mile. During the time that agents were monitoring the location of (225) 454-7168, agents noted that the user of the phone was at the Baton Rouge, LA Airport. No pings were located for approximately two hours and then the device appeared in Atlanta, GA. Agents presumed that the user took a flight from Baton Rouge, LA to Atlanta, GA. Following up on this theory, agents obtained a passenger manifest for the flight which coincided with the travel of the device. Agents were able to determine that Shundrake MCKEEL had been on the flight to Atlanta, GA. Shundrake MCKEEL lists his residence as ***4 Bartlett St. Baton Rouge, LA. In order to confirm the physical address of the user of the phone agents applied for and were granted permission to utilize a cell site simulator. On 10-14-2016, agents activated the cell site simulator in the vicinity of Jean St. in Baton Rouge, LA. Agents acquired cellular telephone (225) 454-7168 and were able to track the device to ***4 Bartlett St., Baton Rouge, LA.

7. Based on the above facts, agents believe that Shundrake MCKEEL is the user of (225) 454-7168 and that he resides at ***4 Bartlett St. in Baton Rouge, LA. Agents expect to find evidence related to the burglaries of the above referenced pharmacies located at **4 Bartlett St. Baton Rouge, LA.

8. On October 18, 2016, at approximately 1:53 a.m., while monitoring the movements of (225) 454-7168 Agents observed the target believed to be Shundrake MCKEEL enter into Mississippi from Louisiana. Agents observed the targets driving through Gulfport and Biloxi Mississippi. Agents identified Coastal Pharmacy located at 998 North Halstead Road, Ocean Springs, Mississippi as a possible target. Agents observed a black Dodge Durango bearing Louisiana license plate ZOG944 traveling west on Bienville, Boulevard, Ocean Springs, Highway 90 at approximately 4:25 a.m.

9. At approximately 4:33 a.m., Agents contacted Ocean Springs Police Department requesting assistance at Coastal Pharmacy to determine if it had been burglarized. Ocean Springs Police Department responded and determined that Coastal Pharmacy had been burglarized. Agents followed the vehicle while relaying information to the Biloxi Police Department. The Biloxi Police Department located the vehicle later found to be occupied by Shundrake MCKEEL, Justin MCKEEL, and Lamarvin HAYNES. Biloxi Police attempted to conduct a traffic stop resulting in a brief pursuit. Shundrake MCKEEL fled the vehicle carrying a white

plastic bag containing a variety of Schedule II Pharmaceutical controlled substances to include but not limited to; Oxycodone, Hydrocodone, Dextoamphetamine, Tapentadol, and Methadone. Upon review of the evidence Agents found a "Controlled Substance Receipt" addressed too; "North Halstead LLC 998 North Halstead Rd., Ocean Springs, MS 39564" contained in the plastic bag with the pharmaceutical drugs. Shundrake MCKEEL, Justin MCKEEL, and Lamarvin HAYNES were taken into custody by Biloxi Police Department and transported to the Biloxi Police Department.

10. Agents attempted to interview all three men. HAYNES was advised of his Miranda warnings and advised that he was picked up at the bus station while hitchhiking. HAYNES disavowed knowledge of any involvement. Shundrake MCKEEL was advised of his Miranda warnings at which time he invoked right to council. Justin MCKEEL stated he was just riding in a vehicle. Agents transported Shundrake MCKEEL, Justin MCKEEL, and Lamarvin HAYNES to the DEA Gulfport Resident Office for processing according to DEA policy and procedures.

CONCLUSION

Based upon my experience as a Task Force Officer with the Drug Enforcement Administration, Tactical Diversion Squad (TDS), it is my opinion that there is probable cause to believe that Shundrake MCKEEL, Justin MCKEEL, Lamarvin HAYNES and others both known and unknown conspired to possess with the intent to distribute

Schedule II substances in violation of Title 21, United States Code Section 846.

Mary Flinchum
Task Force Officer
Drug Enforcement Administration

Sworn and subscribed to me this __18th___day of _October___, 2016.

UNITED STATES MAGISTRATE JUDGE